

BRACEWELL

April 6, 2021

VIA FOIA ONLINE

National Freedom of Information Act Office
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W., Room 5315
Washington, D.C. 20460

Re: Freedom of Information Act Request

To whom it may concern:

I am submitting this request on behalf of Sinclair Wyoming Refining Company and Sinclair Casper Refining Company (collectively, "Sinclair"). Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, and the FOIA regulations promulgated by the U.S. Environmental Protection Agency ("EPA") in 40 C.F.R. Part 2, Sinclair is requesting records related to the petitions that Sinclair submitted to request extensions of its small refinery exemptions from the Renewable Fuels Standards (RFS) for 2018 and 2019.

The 2018 exemption petitions (one for each of Sinclair's two refineries) were submitted on December 21, 2018 – by mail to Mail Code 6405A and by email to Greg Piotrowski and Janet Cohen of the Office of Transportation and Air Quality (OTAQ). The 2019 exemption petitions (one for each refinery) were submitted on October 12, 2020 – by mail to Mail Code 6405A and by email to Byron Bunker of OTAQ. For purposes of this request, these petitions are referred to as Sinclair's 2018 and 2019 RFS Exemption Petitions.

We believe that EPA employees Byron Bunker and Janet Cohen (of OTAQ) and Susan Stahle (of the Office of General Counsel) will have ready access to most of the records requested herein. EPA employee Joseph Goffman, Acting Assistant Administrator for Air and Radiation, and others in OAR's front office are likely to have records responsive to Request 2 below.

Sinclair recognizes that some the records in EPA's possession that are responsive to this request will contain confidential business information (CBI), but Sinclair is the exclusive owner of this CBI and hereby authorizes EPA to provide this CBI to Sinclair and its undersigned counsel.

In particular, Sinclair requests copies of the following:

Jeffrey R. Holmstead
Partner

T: +1.202.828.5852 F: +1.800.404.3970
2001 M Street NW, Suite 900, Washington, DC 20036-3310
jeff.holmstead@bracewell.com bracewell.com

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EPA FOIA Office

April 6, 2021

Page 2

1. Records¹ of any communications between EPA and the Department of Energy (DOE) regarding Sinclair's 2018 and 2019 RFS Exemption Petitions, including DOE's "scoring matrices" and recommendations regarding whether and to what extent the Petitions should be granted.
2. Records of any and all communications regarding Sinclair and its 2018 or 2019 RFS Exemption Petitions between EPA and the following individuals or entities:
 - a. the Renewable Fuels Association, its members, or its representative(s),
 - b. any other trade association or group representing the interests of renewable fuels producers or the representative(s) of such association or group, or
 - c. any renewable fuels company or its representatives; or
 - d. any other group or individual.

For this particular request (number 2), Sinclair limits its request to records produced or received by EPA after October 12, 2020.

3. Any other records in EPA's possession that relate or refer to Sinclair's 2018 and 2019 RFS Exemption Petitions.

Pursuant to 40 C.F.R. § 2.104(a), it is our understanding that we will receive a response within 20 working days from the date this request is received.

Please e-mail the responsive documents or a downloadable link to me at jeff.holmstead@bracewell.com. If this is not practical, please contact me via email or at 202-828-5852 to discuss the best delivery option. If a portion of this request can be fulfilled before completing the entire response, please provide responsive records as they become available.

Under 40 C.F.R. § 2.107(b), the fee category is "commercial use request." We authorize costs of any amount associated with copying and review time to prepare the response to this request. However, please contact me if you estimate that the fees will exceed \$2,500.

If an exemption or denial under FOIA is claimed, we request that you furnish us with all non-exempt portions of such records. We further request that, regardless whether the disclosure of

¹ The terms "record or records" as used herein includes non-identical copies and drafts, printed, reproduced by hand or otherwise, and includes, but is not limited to, letters; correspondence; notes; summaries of personal or telephone conversations and interviews; minutes or records of meetings or conferences; materials discussed, distributed, or relied upon in such meetings or conferences; electronic correspondence such as "e-mail" and text messages; and other communications recorded in any form or medium.

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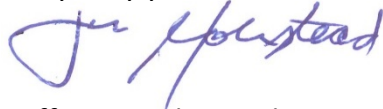
Page 3

a record is denied in whole or in part, EPA provide us with the following information regarding such withheld records or portions thereof:

1. The title of the communication;
2. The date of the communication;
3. A description of the general nature and subject matter of the communication;
4. The identity of the author or authors of the communication;
5. The identity of all persons who received the communication; and
6. The reasons for the claim of exemption.

Thank you for your attention to this request.

Very truly yours,



Jeffrey R. Holmstead
Bracewell LLP

Cc: Lynn Hart, Vice President and General Counsel, Sinclair Oil Corporation
Adam Suess, Vice President, Government & External Relations, Sinclair Oil Corporation